

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.105A, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 70, “Lead-Based Paint Activities,” Iowa Administrative Code.

The primary purpose of the proposed amendments is to change the certification period from the current annual renewal cycle to a more efficient three-year certification cycle. Additionally, the Department is transitioning to a new database in mid-2017. The new database will be more efficient for office staff and is Web-based so that individuals and firms can apply for and renew their certifications online. These amendments are needed to make that transition into the new database.

The concept of these substantive changes was posed to the lead professionals and their associated firms via a survey. The results were overwhelmingly in favor of these changes. Nearly 85 percent of respondents indicated that they were in favor of having certification available online. Over 71 percent of respondents indicated that they were in favor of the move to a three-year cycle, and 17 percent indicated that they had no opinion on the three-year cycle.

The other proposed amendments are minor or intended to clean up the chapter. They include a minor definition change for high-efficiency particulate air (HEPA) vacuums, clarifying that the Department no longer provides curriculums to training providers, and the elimination of a reporting requirement that was never implemented due to budget and staff considerations.

Any interested person may make written suggestions or comments on these proposed amendments on or before April 4, 2017. Such written comments should be directed to Kane Young, Bureau of Environmental Health Services, Iowa Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kane.young@idph.iowa.gov.

A public hearing will be held on Tuesday, April 4, 2017, from 2 to 3 p.m. at the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa. The hearing will be held on the fifth floor in Room 518. Persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise staff of specific needs.

The relative cost for certification will remain the same at \$60 per year. However, individuals will pay for three years of certification at the beginning of the cycle, so they will be charged \$180. Therefore, there is no fiscal impact expected with these amendments.

Iowa is authorized by the U.S. Environmental Protection Agency to implement these rules in Iowa. Iowa’s rules are not subject to waiver because the federal rules are not subject to waiver.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 135.105A.

The following amendments are proposed.

ITEM 1. Amend rule **641—70.2(135)**, definitions of “HEPA vacuum” and “Lead professional,” as follows:

“*HEPA vacuum*” means a vacuum cleaner which has been designed, operated, and maintained with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97 percent efficiency. The vacuum cleaner must be designed, operated, and maintained so that all of the air drawn into the machine is expelled through the

HEPA filter with none of the air leaking past it. ~~A vacuum must have sufficient suction to capture the dust that must be collected. A vacuum that complies with ANSI/IESO Standard 4310-2009 for Portable High Efficiency Air Filtration Device Field Testing and Validation Standard as a Class 3, 4, or 5 device is considered a HEPA vacuum~~ HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions.

"Lead professional" means a person who conducts lead abatement, renovation, lead inspections, elevated blood lead (EBL) inspections, lead hazard screens, risk assessments, visual risk assessments, clearance testing after lead abatement, clearance testing after renovation, paint testing, or clearance testing after interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35.

ITEM 2. Amend rule 641—70.3(135) as follows:

641—70.3(135) Lead professional certification. A person or a firm shall not conduct lead abatement, renovation, clearance testing after lead abatement, lead-free inspections, lead inspections, elevated blood lead (EBL) inspections, lead hazard screens, risk assessments, visual risk assessments, clearance testing after renovation, or interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35 unless the person or firm has been certified by the department in the appropriate discipline. ~~Beginning April 22, 2010, a person or firm shall not conduct renovation unless the person or firm has been certified by the department in the appropriate discipline.~~ However, persons who perform these activities within residential dwellings that they own are not required to be certified, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while these activities are being performed. In addition, elevated blood lead (EBL) inspections shall be conducted only by certified elevated blood lead (EBL) inspector/risk assessors employed by or under contract with a certified elevated blood lead (EBL) inspection agency. In addition, persons who perform renovation under the supervision of a certified lead-safe renovator, certified lead abatement contractor, or certified lead abatement worker and who have completed on-the-job training are not required to be certified. However, on-the-job training does not meet the training requirement for work conducted pursuant to 24 CFR Part 35. Lead professionals and firms shall not state that they have been certified by the state of Iowa unless they have met the requirements of 641—70.5(135) and been issued a current certificate by the department. Elevated blood lead (EBL) inspection agencies must be certified by the department. Elevated blood lead (EBL) inspection agencies shall not state that they have been certified by the state of Iowa unless they have met the requirements of 641—70.5(135) and been issued a current certificate by the department.

ITEM 3. Amend rule 641—70.4(135), introductory paragraph, as follows:

641—70.4(135) Course approval and standards. All lead professional training courses for initial certification and refresher training must be approved by the department. Training programs shall not state that they have been approved by the state of Iowa unless they have met the requirements of 641—70.4(135) and been issued a letter of approval approved by the department. ~~Lead-safe work practices training programs that were approved by the department prior to January 13, 2010, must reapply for approval.~~

ITEM 4. Amend paragraphs **70.4(1)**"g," "h" and "s" as follows:

g. The course test shall be developed in accordance with the test blueprint submitted with the course approval application. ~~Training programs may use course tests developed by the department.~~

h. The training program shall issue unique course completion certificates to each ~~individual~~ student who passes the course. The course completion certificate shall be issued in color. The course completion certificate shall include:

(1) ~~The name and address of the individual, a photograph of the individual, and a unique identification number~~ first name, last name and middle initial of the student.

(2) The address of the student.

(3) A photograph of the student, and a unique identification number.

~~(2)~~ (4) The name of the particular course that the ~~individual~~ student completed and the course length in hours.

~~(3)~~ (5) Dates of course completion and test passage.

(4) (6) The name, address, and telephone number of the training program.

~~(5)~~ (7) The signature of the training manager.

s. A training program shall ~~provide the following information to the department electronically in a format specified by the department within 30 days of the conclusion of an approved course for roster~~ each student who has taken the approved course into a database specified by the department. All students shall be rostered into the department database within 20 days of conclusion of an approved course. Rostering shall include:

(1) ~~Name, and address, and social security number.~~

(2) Course completion certificate number.

(3) Test score.

(4) ~~The photograph of each student as taken by the training program shall be submitted as a joint photographic experts group (JPEG) file with a size of at least two inches by two inches and a minimum resolution of 300 pixels per inch~~ in a format specified by the department.

ITEM 5. Amend subrule 70.4(2) as follows:

70.4(2) ~~If a training program desires approval of a course by the department, the training program shall apply to the department for approval of the course at least 90 days before the initial offering of the course if the training program will use materials developed by the training program. If the training program will use materials developed by the department, the training program shall apply to the department for approval of the course at least 30 days before the initial offering of the course. The department may allow courses to be offered sooner if the department completes the approval in less than 30~~ 90 days. The application shall include:

a. Training program name, contact person, address, e-mail address, and telephone number.

b. ~~Course dates and times for which approval is sought.~~

c. ~~Course location~~ locations, including a description of the facilities and equipment to be used for lecture and hands-on training.

d. Course agenda, including approximate times allotted to each training segment.

e. A copy of each reference material, text, student ~~and manual~~, instructor ~~manuals~~ manual, and audio-visual material used in the course. ~~These materials may also be provided by the department.~~

f. The name(s) and qualifications of the training manager, principal instructor(s), and guest instructor(s). The following documents shall be submitted as evidence that training managers and principal instructors have the education, work experience, training requirements, or demonstrated experience required by subrule 70.4(1):

(1) Official transcripts or diplomas as evidence of meeting the education requirements.

(2) Résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

(3) Certificates from lead-specific training courses, as evidence of meeting the training requirements.

g. A copy of the course test blueprint. ~~The course test may also be provided by the department.~~

h. A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.

i. Maximum class size.

j. A copy of the quality control plan for the course.

k. A nonrefundable fee of \$200.

ITEM 6. Amend paragraphs **70.4(3)**“d,” “z” and “aa” as follows:

d. Lead-based paint inspection methods, including selection of rooms and components for sampling or testing to determine if a property is free of lead-based paint as specified in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995 (2012), U.S. Department

of Housing and Urban Development), and methods to determine if lead-based paint hazards are present in a property.*

z. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

aa. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided electronically on paper.

ITEM 7. Amend paragraphs **70.4(4)“o”** and **“p”** as follows:

o. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

p. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided electronically on paper.

ITEM 8. Amend paragraphs **70.4(8)“w”** and **“x”** as follows:

w. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

x. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided electronically on paper.

ITEM 9. Amend paragraphs **70.4(9)“i”** and **“j”** as follows:

i. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and with provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

j. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided electronically on paper.

ITEM 10. Amend paragraphs **70.4(10)“r”** and **“s”** as follows:

r. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

s. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided electronically on paper.

ITEM 11. Amend paragraphs **70.4(11)“s”** and **“t”** as follows:

s. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures

needed to apply to the department for certification and provide information to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

t. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided ~~electronically on paper~~.

ITEM 12. Amend paragraphs **70.4(12)**“**ab**” and “**ac**” as follows:

ab. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and with provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

ac. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided ~~electronically on paper~~.

ITEM 13. Amend paragraphs **70.4(13)**“**h**” and “**i**” as follows:

h. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

i. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided ~~electronically on paper~~.

ITEM 14. Amend paragraphs **70.4(14)**“**o**” and “**p**” as follows:

o. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information provided by the department regarding to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

p. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided ~~electronically on paper~~.

ITEM 15. Amend paragraphs **70.4(15)**“**l**” and “**m**” as follows:

l. The instructor shall provide an introduction of the online certification system used by the department. The instructor shall advise each student with instructions and forms on the procedures needed to apply to the department for certification and provide information to each student on the procedures needed for taking the state certification examination. The instructor shall also provide each student with a current copy of this chapter and 641—Chapter 69.

m. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided ~~electronically on paper~~.

ITEM 16. Amend subrule 70.4(16) as follows:

70.4(16) To be approved for refresher training of sampling technicians, lead abatement contractors, lead abatement workers, and project designers, a course must be at least 8 training hours. To be approved for refresher training of lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors who completed an approved 24-hour training course, a course must be at least 8 training hours to meet the recertification requirements of subrule 70.5(3). To be approved for refresher training of lead inspector/risk assessors and elevated blood lead (EBL) inspector/risk assessors to meet the

recertification requirements of subrule 70.5(6), a course must be at least 16 training hours. To be approved for refresher training of lead-safe renovators, a course must be at least 4 hours and must include a hands-on component. All refresher training courses shall cover at least the following topics:

- a. A review of the curriculum topics of the initial certification course for the appropriate discipline as listed in subrules 70.4(3) to 70.4(15).
- b. An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- c. Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- d. Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- e. The course shall conclude with a course test and, if applicable, a hands-on skills assessment. The student must achieve a score of at least 80 percent on the examination and successfully complete the hands-on skills assessment to successfully complete the course. The student may take the course test no more than three times within six months of completing the course. If an individual does not pass the course test within six months of completing the course, the individual must retake the appropriate approved course.
- f. All of the course materials ~~including instructions, applications, and forms~~ must be provided ~~on paper~~ to each student. The materials may be provided electronically unless an individual student requests that the materials be provided ~~electronically~~ on paper.

ITEM 17. Amend subrule 70.4(17), introductory paragraph, as follows:

70.4(17) Approvals of training courses shall expire three years after the date of issuance. The training manager shall submit the following at least ~~90~~ 30 days prior to the expiration date for a course to be reappraised:

ITEM 18. Amend rule 641—70.5(135), introductory paragraph, as follows:

641—70.5(135) Certification, interim certification, and recertification. The department shall issue certifications and recertifications for a three-year time period. All applications for certification or recertification may be made to the department electronically in a format specified by the department or may be made to the department using a paper application supplied by the department.

ITEM 19. Amend subrule 70.5(1), introductory paragraph, as follows:

70.5(1) A person wishing to become a certified lead professional shall ~~apply on forms supplied by the department~~. The applicant must submit provide the following information:

ITEM 20. Amend paragraph **70.5(1)“g”** as follows:

- g. A ~~\$60~~ \$180 nonrefundable fee.

ITEM 21. Rescind paragraph **70.5(1)“i.”**

ITEM 22. Amend subrule 70.5(5) as follows:

70.5(5) All agencies that perform or offer to perform elevated blood lead (EBL) inspections must be ~~certified~~ approved by the department. An agency wishing to become ~~a certified an approved~~ elevated blood lead (EBL) inspection agency shall ~~apply on forms supplied~~ in a format specified by the department. The agency must submit:

- a. A completed application form.
- b. Documentation that the agency has the authority to require the repair of lead hazards identified through an elevated blood lead (EBL) inspection.
- c. Documentation that the agency employs or has contracted with a certified elevated blood lead (EBL) inspector/risk assessor to provide environmental case management of all elevated blood lead (EBL) children in the agency’s service area, including follow-up to ensure that lead-based paint hazards identified as a result of elevated blood lead (EBL) inspections are corrected, and that lead-based paint activities will be conducted only by appropriately certified lead professionals. In addition, the agency

must document that the agency and its employees or contractors will follow the work practice standards in 641—70.6(135) for conducting lead-based paint activities.

d. A statement that the ~~certified~~ approved elevated blood lead (EBL) inspection agency will maintain all records required by subrule ~~70.6(10)~~ 70.6(12).

ITEM 23. Amend subrule 70.5(6) as follows:

70.5(6) Individuals ~~certified~~ applying for recertification as lead professionals must ~~be recertified each year. To be recertified, lead professionals must~~ submit the following:

- a.* A completed application form.
- b.* A ~~\$60~~ \$180 nonrefundable fee.
- c.* ~~Every three years, a~~ A certificate showing that the applicant has successfully completed an approved refresher training course for the appropriate discipline. The ~~initial~~ refresher training course must be completed no more than three years ~~after the date on which the applicant completed an approved training program~~ prior to the date of the application for recertification.
- d.* ~~If a certified individual taking a refresher training course is also an approved instructor for that particular refresher training course and has access to the testing materials, the certified individual must take a refresher training course test supplied by the department in lieu of the normal refresher training course test.~~

ITEM 24. Amend subrule 70.5(8) as follows:

70.5(8) Reciprocity. Each applicant for certification who is certified in any of the disciplines specified in this rule in another state may request reciprocal certification. The department shall evaluate the requirements for certification to determine that the requirements for certification in such other state are as protective of health and the environment as the requirements for certification in Iowa. For all disciplines except lead-safe renovator and lead abatement worker, if the department determines that the requirements for certification in such other state are as protective of health and the environment as the requirements for certification in Iowa, the applicant may be certified after passing a proctored test covering Iowa-specific lead information with a score of at least 80 percent. For a lead-safe renovator and lead abatement worker, if the department determines that the requirements for certification in such other state are as protective of health and the environment as the requirements for certification in Iowa, the applicant may be certified after signing a statement indicating that the applicant has read and understands Iowa-specific lead information provided by the department. Each applicant for certification pursuant to this subrule shall submit the appropriate application accompanied by the fee for each discipline as specified in 641—70.5(135).

ITEM 25. Amend subparagraph **70.6(1)“a”(7)** as follows:

(7) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where a lead-free inspection is completed. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the lead-free inspection, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The report shall include, at least:

1. A statement that the inspection was conducted to determine whether the residential dwelling is free of lead-based paint;
2. Date of inspection;
3. Address of building;
4. Date of construction;
5. Apartment numbers (if applicable);
6. The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
7. Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the inspection;

8. Name and certification number of the certified firm(s) conducting the inspection;
 9. Name, address, and telephone number of each laboratory conducting an analysis of collected samples;
 10. Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) device;
 11. XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated at each required calibration;
 12. Specific locations by room of each painted component tested for the presence of lead-based paint and the results for each component expressed in terms appropriate to the sampling method used;
 13. The results of retesting of 10 surfaces, calculations to determine the retest tolerance limit, and the determination of whether the inspection meets the retest tolerance limit;
 14. If the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor determines that the residential dwelling is free of lead-based paint, the report shall contain the following statement:
 “The results of this inspection indicate that no lead in amounts greater than or equal to 1.0 mg/cm² in paint was found on any building components, using the inspection protocol in Chapter 7 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1997) ((2012), U.S. Department of Housing and Urban Development). Therefore, this residential dwelling qualifies for the exemption in 24 CFR Part 35 and 40 CFR Part 745 for target housing being leased that is free of lead-based paint, as defined in the rule. However, some painted surfaces may contain levels of lead below 1.0 mg/cm², which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the owner and all future owners for the life of the residential dwelling. Per the disclosure requirements of 24 CFR Part 35 and 40 CFR Part 745, prospective buyers are entitled to all available inspection reports should the property be resold.”;
 15. If any lead-based paint is identified, a description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;
 16. A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;
 17. Information regarding the owner’s obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745;
 18. Information regarding Iowa’s prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa’s regulations for renovation, remodeling and repainting found in 641—Chapter 70; and
 19. The report shall contain the following statement:
 “~~The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes.~~ The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”
- ITEM 26. Amend subparagraph **70.6(1)“b”(12)** as follows:
- (12) A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall prepare a written report for each residential dwelling or child-occupied facility inspected. No later than three weeks after the receipt of laboratory results, the certified lead inspector/risk assessor or

certified elevated blood lead (EBL) inspector/risk assessor shall send a copy of the report to the property owner and to the person requesting the inspection, if different. A certified lead inspector/risk assessor or a certified elevated blood lead (EBL) inspector/risk assessor shall maintain a copy of each written report for no less than three years. The inspection report shall include, at least:

1. Date of each inspection;
2. Address of each building in the multifamily housing;
3. Date of construction for each building in the multifamily housing;
4. A list of the apartments and common areas in each building in the multifamily housing;
5. The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
6. A statement that the inspection was conducted to determine that lead-based paint is not present;
7. The name of the Iowa-certified inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor who randomly selected the residential dwellings and common areas for testing;
8. The number of residential dwellings and common areas that were selected for testing, how these numbers were determined, and a list of the residential dwellings and common areas that were selected for testing;
9. Name, signature, and certification number of each certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor conducting the inspection;
10. Name and certification number of the certified firm(s) conducting the inspection;
11. Name, address, and telephone number of each laboratory conducting an analysis of collected samples;
12. Each testing method and sampling procedure employed for paint analysis, including quality control data and, if used, the manufacturer, serial number, software, and operating mode of any X-ray fluorescence (XRF) analyzer;
13. XRF readings taken for calibration and calculations to demonstrate that the XRF is properly calibrated at each required calibration;
14. Specific locations by room of each painted component tested for the presence of lead-based paint and by residential dwelling or common area and the results for each component expressed in terms appropriate to the sampling method used;
15. Component aggregations and the determination of whether lead-based paint is present by component type;
16. The results of retesting of 10 surfaces, calculations to determine the retest tolerance limit, and the determination of whether the inspection meets the retest tolerance limit;
17. If the certified lead inspector/risk assessor or certified elevated blood lead (EBL) inspector/risk assessor determines that the multifamily housing is free of lead-based paint, the report shall contain the following statement:

“The results of this inspection indicate that no lead in amounts greater than or equal to 1.0 mg/cm² in paint was found on any building components, using the inspection protocol in Chapter 7 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (~~1997~~) ((2012), U.S. Department of Housing and Urban Development). Therefore, this multifamily housing qualifies for the exemption in 24 CFR Part 35 and 40 CFR Part 745 for target housing being leased that is free of lead-based paint, as defined in the rule. However, some painted surfaces may contain levels of lead below 1.0 mg/cm², which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the owner and all future owners for the life of the multifamily housing. Per the disclosure requirements of 24 CFR Part 35 and 40 CFR Part 745, prospective buyers are entitled to all available inspection reports should the property be resold.”;
18. If any lead-based paint is identified, a description of the location, type, and severity of identified lead-based paint hazards, including the classification of each tested surface as to whether it is a lead-based paint hazard, and any other potential lead hazards, including bare soil in the dripline of a home where lead-based paint is identified on exterior components or lead-based paint previously existed on exterior components, but has been removed, enclosed, or encapsulated;

19. A description of interim controls and lead abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure;

20. Information regarding the owner's obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745;

21. Information regarding Iowa's prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa's regulations for renovation found in 641—Chapter 70; and

22. The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 27. Amend subparagraph **70.6(2)“d”(18)** as follows:

(18) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 28. Amend subparagraph **70.6(3)“d”(18)** as follows:

(18) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by an elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 29. Amend subparagraph **70.6(4)“m”(20)** as follows:

(20) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 30. Amend subparagraph **70.6(5)“l”(22)** as follows:

(22) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 31. Amend subparagraph **70.6(7)“c”(14)** as follows:

(14) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a sampling technician, lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 32. Amend subparagraph **70.6(8)“d”(3)** as follows:

(3) The following information on the renovation or interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation pursuant to 24 CFR Part 35 for which clearance testing was performed:

1. The start and completion dates of the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation.

2. The name and address of each firm or organization conducting the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation and the name of each supervisor assigned.

3. A detailed written description of the renovation, interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation, including the methods used, locations of exterior surfaces, interior rooms, common areas, and components where the hazard reduction activity occurred.

4. If interim control of soil hazards was conducted, a detailed description of the location(s) of the interim controls and the method(s) used.

5. Information regarding the owner’s obligations to disclose known lead-based paint and lead-based paint hazards upon sale or lease of residential property as required by Subpart H of 24 CFR Part 35 and Subpart I of 40 CFR Part 745.

6. Information regarding Iowa’s prerenovation notification requirements found in 641—Chapter 69; and information regarding Iowa’s regulations for renovation found in 641—Chapter 70.

7. The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a sampling technician, lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 33. Amend subparagraph **70.6(9)“c”(18)** as follows:

(18) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 34. Amend subparagraph **70.6(10)“n”(16)** as follows:

(16) The report shall contain the following statement:

~~“The location and nature of this inspection are required to be reported to the Iowa Department of Public Health for tracking purposes. The Iowa Department of Public Health may review this report for compliance purposes. It is a violation of law for anyone other than the certified lead professional signing it to alter this report. This report may be supplemented with additional information, so long as any addendum is signed by a sampling technician, lead inspector/risk assessor or elevated blood lead (EBL) inspector/risk assessor certified according to Iowa Administrative Code 641—70.3(135) and 70.5(135).”~~

ITEM 35. Rescind and reserve subrule **70.6(16)**.

ITEM 36. Amend rule 641—70.7(135) as follows:

641—70.7(135) Firms. All firms that perform or offer to perform lead-based paint activities must be certified by the department. Firms shall employ only appropriately certified employees to conduct lead-based paint activities, and the firm and its employees shall follow the work practice standards in 641—70.6(135) for conducting lead-based paint activities. A firm must employ at least one certified individual in order to receive or maintain firm certification. ~~Beginning April 22, 2010, firms that perform or offer to perform renovation must be certified by the department.~~

70.7(1) A firm wishing to be certified shall apply ~~on forms supplied by~~ to the department electronically in a format specified by the department or may apply using a paper application supplied by the department. The firm must submit:

- a. A completed application ~~form~~.
- b. Documentation that the firm will employ only appropriately certified lead professionals to perform lead-based paint activities. In addition, the firm must document that the agency and its employees or contractors will follow the work practice standards in 641—70.6(135) for conducting lead-based paint activities.
- c. The certified firm must maintain all records required by 641—70.6(135), with the exception of elevated blood lead (EBL) inspection reports, for three years. Certified firms that are also certified as elevated blood lead (EBL) inspection agencies must maintain elevated blood lead (EBL) inspection reports for at least 10 years.

70.7(2) Firms must be recertified ~~each year~~ every three years. To be recertified, the firm must submit the following:

- a. A completed application ~~form~~.
- b. Documentation that the firm will employ only appropriately certified lead professionals to perform lead-based paint activities. In addition, the firm must document that the firm and its employees or contractors will follow the work practice standards in 641—70.6(135) for conducting lead-based paint activities.

ITEM 37. Amend paragraph **70.10(1)“d”** as follows:

- d. Obtaining or attempting to obtain certification through fraudulent representation.